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Acts and Regulations - Mines & Minerals
(Regulations & Departmental) 1948- Recorded

G.O. Ms. No. 700, Dev. Dept. dt. 18.11.48

Government of Madras.

Abstract

Acts and Regulations - Mines and Minerals (Regulation and Development) 1948 - Recorded.

Development Department.

G.O.Ms.No.5700. Dated the 12th November 1948.
Read the following:-

From the Government of India, Ministry of Works, Mines and Power No.MII-155(24) dt. 3-11-1948.

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ORDER:

R E C O R D E D.

(By order of His Excellency the Governor)

K.G.Menon.
Joint Secretary to Government.

To
The Director of Industries and Commerce) with enclosures.
The Board of Revenue)

/True copy/

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Government of India.
Ministry of Works, Mines and Power.

No.MII-155(24) Dated, New Delhi, 3rd Nov.1948.

From
M.M.Malhotra Esq.,
Assistant Secretary to the Government of India.

To
All Provincial Governments and Chief Commissioners
(including Himachal Pradesh)

Sir,

I am directed to forward herewith for the information of the Provincial Government a copy of the Mines and Minerals (Regulation and Development) Act, 1948, as published in the Gazette of India Extraordinary dated the 8th September 1948. More copies if needed may be obtained from the Manager, Government of India Publication Branch, Civil Lines, Delhi by placing an indent on him.

The Rules to be framed under the Act are under consideration and a copy will be supplied as soon as it is published.

Act No.LIII of 1948.

An Act to provide for the regulation of mines and oilfields and for the development of minerals.

WHEREAS it is expedient in the public interest to provide for the regulation of mines and oilfields and for the development of minerals to the extent hereinafter specified:

It is hereby enacted as follows:

1. SHORT TITLE, EXTENT AND COMMENCEMENT. (1) This Act may be called the Mines and Minerals (Regulation and

Development) Act, 1948.

(2) It extends to all the Provinces of India and also to any Acceding State for which the Central Legislature has for the time being the power to make laws as respects mines and oilfields and the development of minerals.

(3) It shall come into force in such date as the Central Government may, by notification in the official gazette, appoint in this behalf.

2. Declaration as to expediency of control by Central Government. - It is hereby declared that it is expedient in the public interest that the Central Government should take under its control the regulation of mines and oilfields and the development of minerals to the extent hereinafter provided.

3. Definitions. - In this Act, unless there is anything repugnant in the subject or context.

(a) the expressions "lessor" and "Lessee" respectively include a licensor and a licencee;

(b) "Mine" means any excavation for the purpose of searching for or obtaining minerals and include an oil-well;

(c) "Minerals" include natural gas and petroleum;

(d) "Mining lease" means a lease granted for the purpose of searching for, winning, working, getting, making merchantable, carrying away or disposing of minerals or for purposes connected therewith, and includes an exploring or a prospecting licence;

(e) "Oil field" means any area where any operation for the purpose of obtaining natural gas, and petroleum, crude oil, refined oil, partially refined oil and any of the products of petroleum in a liquid or solid state, is to be or is being carried on.

4. No mining lease to be valid unless it is in accordance with this Act.

(1) No mining lease shall be granted after the commencement of this Act otherwise than in accordance with the rul under this Act.

(2) Any mining lease granted contrary to the provisions or sub-section (1) shall be void and of no effect.

5. Power to make rules as respects mining leases.-

(1) The Central Government may, by notification in the official gazette, have rules for regulating the grant of mining leases or for prohibiting the grant of such leases in respect of any mineral or in any area.

(2) In particular, and without prejudice to the generality of the foregoing power, such rules may provide for all or any of the following matters, namely, -

(a) the manner in which, the minerals or areas in respect of which and the persons by whom, applications for mining leases may be made and the fees to be paid on any such applications

(b) the authority by which, the terms on which, the conditions subject to which, mining leases may be granted.

(c) the maximum or minimum area and the period fo which any mining lease may be granted, and the terms on which leases in respect of contiguous areas may be amalagamated;

(d) the fixing of the maximum and minimum rent payable by a lessee, whether a mine is worked or not.

6. Power to make rules as respects mineral development.

(1) The Central Government may, by notification in the official Gazette, make rules for the conservation and development of minerals.

(2) In particular, and without prejudice to the generality of the foregoing power, such rules may provide for all or any of the following matters, namely:-

(a) the regulation or the prohibition of the mining, quarrying or digging for or the excavating or collecting of minerals from any mine or in any area;

(b) the manner in which and the persons by whom any mineral or any area as respects which the grant of mining lease is prohibited may be developed or worked;

(c) the development of any mineral resources in any area by prescribing or regulating the use of any engines, machinery or other equipment;

(d) the regulation of the drilling, re-drilling, deepening, shutting down, plugging and abandoning of oilwells in an oilfield and for the limitation or prohibition of such operations and for the taking of remedial measures to prevent wastage or of damage to oil;

(e) the regulation of the methods of producing oil in any oilfield, and the limitation or prohibition of such methods;

(f) the compulsory notification of all new borings and shaft sinkings and the preservation of boring records and specimens of cores of all new bore holes;

(g) the taking of samples from mines and new bore-holes;

the regulation of the arrangements for the storage of minerals and the stocks thereof that may be kept by any person;

the levy and collection of royalties, fees or taxes in respect of minerals mined, quarried, excavated or collected;

the submission by the owners or lessees of mines of special or periodical returns and reports, and the forms in which and the authorities to whom such returns and reports shall be submitted.

7. Power to make rules for modification of existing leases.-

(1) The Central Government may, by notification in the official Gazette, make rules for the purpose of modifying or altering the terms and conditions of any mining lease granted prior to the commencement of this Act so as to bring such lease into conformity with the rules made under Sections 5 and 6;

Provided that any rules so made which provide for the matters mentioned in clause (c) of sub-section(2) shall not come into force until they have been approved, either with or without modifications, by the Central Legislature-

(2) the rules made under sub-section (1) shall provide -

(a) for giving previous notice of the modification or alteration proposed to be made thereunder to the lessee, and where the lessor is not the Central Government, also to the lessor, and for affording them an opportunity of showing cause against the proposal;

(b) for the payment of compensation by the party who would be benefitted by the proposed modification or alteration to the party whose rights under the existing lease would thereby be adversely affected; and

(c) for the principles on which, the manner in which and the authority by which the said compensation shall be determined.

8. Delegation. - The Central Government may, by notification in the official Gazette, direct that any power exercisable under this Act shall be exercised, subject to such conditions, if any, as may be specified therein by such officer or authority as may be specified in the direction.

9. Penalties. - (1) Any rule made under any of the provisions of this Act may provide that any contravention thereof shall be punishable with imprisonment which may extend to six months or with fine which may extend to one thousand rupees or with both.

(2) whoever, after having been convicted of any offence referred to in sub-section (1), continues to commit such offence shall be punishable for each day after the date of the first conviction during which he continues so to offend, with fine which may extend to one hundred rupees.

10. Rules to be laid before t... ...lature. - All rules made under any of the provisions of this Act shall be laid before the Central Legislature as soon as may be after they are made.

11. Powers of Inspection. - (1) For the purpose of ascertaining the position of the working, actual or prospective, of any mine or abandoned mine or for any other purpose mentioned in this Act or the rules made thereunder, any officer authorised by the Central Government in this behalf shall have the right to --

(a) enter and inspect any mine;
(b) order the production of any document, book, register, or record in the possession or power of any person having the control of or connected with, any mine;
(c) examine any person having the control of, or connected with, any mine.

(2) Any officer authorised by the Central Government under sub-section (1) shall be deemed to be a public servant within the meaning of section 21 of the Indian Penal Code, 1860 (XLV of 1800).

12. Relaxation of Rules in special cases.. - The Central Government may, if satisfied that it is in the public interest so to do, authorise in any case the granting of any mining lease or the working of any mine on terms and conditions different from those laid in the rules made under section 5 and 6.

13. Act to be binding on the Crown. - The provisions of this Act shall be binding on the Crown, whether in the right of the Dominion or of a Province.

14. Protection of action taken in good faith. - No suit, prosecution or other legal proceeding whatever shall lie against any person for anything which is in good faith done or intended to be done under this Act.

K.Y.Bhandarkar.
Secretary to the Government of India.

/True copy/

B/ BMJ 30/1/54